

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DeANDRE D. HARRIS,

Petitioner,

v.

JEREMY BEAN, *et al.*,

Respondents.

Case No. 2:22-cv-00661-ART-NJK

ORDER

In this *habeas corpus* action, the respondents filed a motion to dismiss on May 28, 2024. (ECF No. 31.) The petitioner, DeAndre D. Harris, represented by appointed counsel, filed an opposition to the motion to dismiss on July 31, 2024. (ECF No. 36.) The respondents were then due to file a reply in support of their motion to dismiss by August 30, 2024. (See ECF No. 13.) On August 30, Respondents filed a motion for extension of time (ECF No. 41), requesting a 31-day extension, to September 30. Respondents' counsel states that the extension of time is necessary because of their obligations in other cases. Respondents' counsel represents that Harris does not oppose the motion for extension of time. The Court finds that the motion for extension of time is made in good faith and not solely for the purpose of delay, and that there is good cause for the extension of time. The Court will grant the motion for extension of time.


On August 15, 2024, the respondents filed a motion for leave to file an exhibit under seal. (ECF No. 39.) The exhibit in question, Respondents' Exhibit 44, is a presentence investigation report. Harris did not respond to Respondents' motion to file their Exhibit 44 under seal. While there is a strong presumption in favor of public access to judicial filings and while courts prefer that the public retain access them, *see Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 597 (1978), a court may seal its records if a party demonstrates "compelling reasons"

1 to do so. *See Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178–79 (9th
2 Cir. 2006). “Compelling reasons” exist where the records could be used for
3 improper purposes. *Kamakana*, 447 F.3d at 1179 (citing *Nixon*, 435 U.S. at 598).
4 Under Nevada law, presentence investigation reports are confidential, and are not
5 to be made part of a public record. *See* NRS 176.156(5). The presentence
6 investigation report filed by Respondents contains sensitive confidential
7 information that could be used for improper purposes. In view of the state law
8 and considering the nature of the information in the presentence investigation
9 report, the Court finds that there is good cause for the exhibit to be filed under
10 seal. The Court will grant the motion to file Exhibit 44 under seal.

11 It is therefore ordered that Respondents’ Motion for Extension of Time (ECF
12 No. 41) is granted. Respondents will have until and including September 30,
13 2024, to file a reply to Petitioner’s opposition to their motion to dismiss. In all
14 other respects, the schedule for further proceedings set forth in the order entered
15 August 30, 2022 (ECF No. 13) will remain in effect.

16 It is further ordered that Respondents’ Motion for Leave to File Exhibit *in*
17 *Camera* and Under Seal (ECF No. 39) is granted. Respondents are granted leave
18 of court to file their Exhibit 44 under seal. As that exhibit has already been filed
19 under seal (ECF No. 40), no further action is necessary in this regard.

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21 Dated this 25th day of September, 2024.

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24 ANNE R. TRAUM
25 UNITED STATES DISTRICT JUDGE
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